

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, NOVEMBER 5, 2009, 1:00 P.M.**

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**CALL TO ORDER**

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:    PaHaukohl                      Bob Peregrine                      Bill Mitchell  
                                 Gary Goodchild                      Walter Kolb (left at 1:35 p.m.)

Commission

Members Absent:    Bonnie Morris                      Jim Siepmann

Staff

Members Present:    Jason Fruth, Senior Planner  
                                 Elfriede Sprague, Clerk III

Guests Present:        Dave Trost                              CU-1151I (Agent)  
                                 Atty. Stephen Schmidt              CU-1515 (Agent)

**CORRESPONDENCE:**                      None

**MEETING APPROVAL:**                      None

**MINUTES:**

- *Mrs. Haukohl moved, seconded by Mr. Peregrine and carried unanimously for approval of the September 17, 2009, Minutes.*
- *Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval of the October 1, 2009, Minutes.*

**PUBLIC COMMENT:**

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

- **CZ-0972C (Town of Vernon and Waukesha County Dept. of Parks and Land Use) Town of Vernon, Section 1**

Mr. Fruth presented the "Staff Report and Recommendation" dated November 5, 2009, and made a part of these Minutes. He pointed out the location of Enterprise Dr., south of National Ave. and just north of I-43, directly west of the old Waynze World complex in the Town of Vernon.

Mr. Fruth explained that all the properties along Enterprise Dr. are the subject of this request for a modification of conditions. There are two virtually identical conditional rezones that affect the permissible uses on the properties. It has been difficult for both County and Town Staff in advising petitioners as to what is or is not an allowed use. There have been a number of properties in violation; although many are minor, of the conditions of the rezoning, specifically involving the parking of business vehicles overnight on the premises. He explained this is a mixed use business park and some of the businesses include several motorcycle/ ATV type dealerships, Freedom Fireworks, a tow truck operator, etc., and it is desirous of these operators to park a business vehicle overnight on the premises. However, a condition of the rezones state "No outside storage....no outside parking of equipment and vehicles other than during the typical

business day”, making it difficult for many of the business to fit all the equipment inside. Therefore, together the County and Town Planners drafted a proposal amending the conditions, which then went to public hearing. The Town Plan Commission was supportive of the draft proposal and suggested a few modifications. However, there was some discussion at the Town Plan Commission meeting regarding whether action on the proposed amendment should be tabled so the matter could be sent to the Town Ordinance Committee for analysis and review prior to the Town approving it. The County informed the Town that since the public hearing had been held and due to time limitations in the Wisconsin State Statutes, if the Town wanted to send the matter to another committee they should deny the request and submit a new petition when it is in a form acceptable to them. Subsequently, the Town has denied the request and the County Staff concurs with the denial.

*After discussion, Mr. Peregrine moved, seconded by Mrs. Haukohl, and carried unanimously for denial, in accordance with the “Staff Report and Recommendation”.*

• **CU-1515 (Verne N. Netzow) Town of Oconomowoc, Section 7**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 5, 2009, and made a part of these Minutes. He pointed out the location of the property at N80 W39560 McMahon Rd. in the Town of Oconomowoc on the aerial photograph and indicated the request is for after-the-fact approval of earth-altering activities associated with the construction of a pond.

Mr. Fruth explained the property is the site of an old quarry that required a Restoration Plan be implemented by 1990 with the conditional use approval. However, the original holder of the permit sold the property to Mr. Netzow in 1988, before the plan was implemented. Subsequent to the owner taking possession of the property, he applied for permits for a new residence, an accessory building and a variety of other things, per the timeline attached as Exhibit B of the Staff Report. The completed pond was not discovered until he recently applied for a permit for a cabana and it was it was determined the pond was never permitted. The pond is groundwater fed and a site inspection of the pond has revealed no evidence that it overflows. The DNR has indicated no permits are required as the pond is not within 500 ft. of a navigable waterway. The banks of the pond, waterway and surrounding areas are well vegetated and stabilized and have been for many years; therefore the Waukesha County Land Resources Dept. has indicated that an Erosion Control Permit is not required.

Mrs. Haukohl noted the timeline (Exhibit B) indicates that in the spring of 1994 the owner met with Senior Planner Kathy Moore regarding a detached garage and pond and questioned why Mr. Netzow was not made aware of the need for a permit then. Atty. Schmidt replied the Zoning Code regarding earth-altering activities did not change until 1995, so at the time of the meeting approval was not required. It was just that the pond was not completed until 2003, making a permit required when the new Zoning Code was in effect. She then commented that with all the permits he applied for, why was it not discovered at a site visit. Mr. Fruth answered the County Staff does not necessarily field check compliance with the permits; it is usually the Building Inspectors responsibility. However, it is possible that because the property is a former quarry having a large amount of disturbance, it would very easily have been overlooked. The Staff is recommending approval of the pond and feels the restoration of the site from the previous quarrying operation has drastically improved the aesthetics in the area.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Peregrine, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.*

• **SCU-1516 (Town of Oconomowoc) Sections 8 and 9**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 5, 2009, and made a part of these Minutes. He pointed out the location of the property on the northwest corner of Mill St. and Division St. in the Town of Oconomowoc. He indicated the land is currently vacant and when the Town acquired the parcels, several structures were removed and the land was cleaned of garage and debris. The Town is proposing to fill in a low spot on the property to make it more usable as a passive park with the possibility of some additional plantings and picnic tables. This land will combine with Town owned land to the north which extends to the Ashippun River and is contiguous to land to be acquired for the County Greenway Project. Mr. Fruth added that per Mark Mickelson, the Town Engineer, the proposal is for 900 cubic yards of material and generally the grade is being altered no more than 4 feet. An Erosion Control Permit will be required from the Waukesha County Land Resources Dept. because the project exceeds 3,000 sq. ft.; however a Chapter 30 Permit from the DNR will not be required. Mr. Peregrine added the Town Highway Dept. will be doing the work.

*After discussion, Mr. Goodchild moved, seconded by Mrs. Haukohl, and carried unanimously for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

1:35 p.m. – Mr. Kolb left the meeting.

• **CU-1151I (SBA Networks) Town of Genesee, Section 22**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 5, 2009, and made a part of these Minutes. He pointed out the location of the property on the south side of C.T.H. “D”, approximately ¼ mile west of Brookhill Rd. in the Town of Genesee. He indicated the request was to install a 60 KW diesel powered generator to provide backup power for the cellular carriers on the existing communications tower.

Mr. Fruth explained that this proposal was before the Commission in 2008 to consider a 200 KW diesel generator, which would be large enough to supply power to all six carriers on the tower. As there is only one co-locator (Verizon) interested in using the generator, the tower owner is requesting to reduce the size of the generator. The generator as proposed could probably accommodate two (2) co-locators. If additional carriers are interested in using the generator in the future and if the generator does not provide enough power for the additional carriers, there is enough room within the leased area for the generator to be enlarged. The Town specifically added a condition to their approval stating that future users could use the generator approved herein with approval of a Site Plan/Plan of Operation. Any other changes would require conditional use approval. Also, the applicant shall allow current and future co-locators shared use of the generator and related equipment under the terms of an agreement that provides for a reasonable rate that is consistent with the going rate in the industry.

Mr. Trost, agent for SBA, commented it was his understanding that the Town and County were interested in two things. The first one being that there is only one generator owned by the tower/site and it would change size according to the number of co-locators wanting to use it. The other was whenever there were any other requests; they would have to be approved by the County and Town. He believes that the Town and County conditions comply with both of those requests. Chairman Mitchell commented it is the Commission’s desire to avoid the use of multiple generators.

*After discussion, Mr. Goodchild moved, seconded by Mrs. Haukohl, and carried unanimously (4 yes votes, Mr. Kolb was not in attendance) for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **PO-09-GNT-23 (SBA Networks)Town of Genesee, Section 22**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 5, 2009, and made a part of these Minutes. He stated the request is associated with the previous CU-11511.

*After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild, and carried unanimously (4 yes votes, Mr. Kolb was not in attendance) for approval as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Goodchild moved, seconded by Mr. Peregrine to adjourn at 1:42 p.m.*

Respectfully submitted,

Bonnie Morris  
Secretary

BM:es